IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

NEWTON JR. COOK,)	
)	
)	
Plaintiff,)	
)	
V.)	Case No. CIV-10-445-JHP
)	
DARIN UPTON AND BILL BOOKER,)	
)	
)	
Defendants)	

ORDER

Rule 41(b) of the Federal Rules of Civil Procedure provides as follows:

(b) For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or any claim against the defendant. Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.

(Emphasis added)

In this case the Plaintiff has failed to comply with an order of the Court. On April 25, 2011, the Court addressed in an Order Plaintiff's failure to prosecute this action as to the defendants. This Court entered an Order advising the Plaintiff that this case would be dismissed if no action was taken within 30 days. [Doc. No. 36] As of the date of this Order, the Plaintiff failed to prosecute this action.

In light of the Plaintiff's failure to comply with this Court's order, this Court dismisses this action in all respects pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED, this 2nd day of June, 2011.

ames H. Payne

United States District Judge Eastern District of Oklahoma